HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 872 (MS) OF 2006

Ved Prakash Arora S/o Chaman Lal

R/o Sri Krishan Karun Kunj gora Devi Colony

Kharkhari, Haridwar ……Petitioner

Versus

1. III Civil Judge (Junior Division) Rishikesh, District Dehradun.
2. District Judge, Dehradun.
3. Smt. Rahiman Bai w/o late Chaman Lal

   180, Jaipuriya Mills Ghantagarh Sabzi Mandi New Delhi. (Since deceased).
4. Smt. Asha Chaudhary W/o Ashish Bhattacharya,

   D/o Chaman Lal, R/o H-84, Phase-I,

   New Delhi.

   Through his attorney Smt. Meena Chaudhary D/o late Chaman Lal

   R/o H-84, Phase-I, Ashok Vihar, New Delhi.
5. Sri Naresh Lal Chaudhary S/o Chaman Lal

   R/o H-84, Phase-I, Ashok Vihar, New Delhi.
6. Sri Rajeev Lal Chaudhary, S/o late Chaman Lal,

   R/o H-84, Phase-I, Ashok Vihar, New Delhi.

   Through his attorney Smt. Meena Chaudhary

D/o late Chaman Lal

R/o H-84, Phase-I, Ashok Vihar, New Delhi.

7. Smt. Meena Chaudhary D/o late Chaman Lal

R/o H-84, Phase-I, Ashok Vihar, New Delhi.

....Respondents.

Sri J.P. Joshi, counsel for the petitioner
Standing counsel for the respondents.

Dated 11.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri J.P. Joshi learned counsel for the petitioner and Standing Counsel for the respondents.

Petitioner has submitted that the Revisional Court passed a very cryptic order and has not considered the grievance of the petitioner in the light of the judgment of Apex Court reported in A.R.C. 1995 Vol.-2, page 244 Vidyawati Vs. Man Mohan and others.

In view of the aforesaid, the matter is sent back to the Revisional Court for deciding afresh.

However, for a period of 6 weeks the operation of the order shall remain in aberyance. The order dated 10.5.2006 shall be subject to the final order passed after hearing both the parties.

The matter is sent back to the Revisional Court for deciding afresh in the light of the observation made above. Revision shall be disposed of within a period of six weeks from filing the certified copy of the order.

Subject to above, writ petition is disposed of.

11.7.2006 **(Rajesh Tandon, J.)**